

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

6
7
8
9
10 **A RESOLUTION**

11 **AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE HOMES**
12 **PROGRAM ("SFHP") TO MAKE SFHP REQUIREMENTS APPLICABLE TO**
13 **CONDOMINIUM UNITS; TO REMOVE THE SUNSET DATE FROM THE FRACTIONAL**
14 **FEE SCHEDULE AND TO MAKE OTHER CHANGES TO THE SFHP ADMINISTRATIVE**
15 **PROCEDURES AS ARE NECESSARY.**

16
17 **WHEREAS,** On August 15, 2005, the governing body adopted Ordinance No. 2005-30A,
18 establishing the Santa Fe Homes Program; and

19 **WHEREAS,** on August 15, 2005, the governing body also adopted Resolution No. 2005-69
20 administrative procedures for implementing the Santa Fe Homes Program; and

21 **WHEREAS,** the governing body has amended the administrative procedures for
22 implementing the Santa Fe Homes Program by Resolution No. 2007-99, Resolution No. 2008-73,
23 Resolution no. 2009-74, Resolution 2010-49, Resolution 2011-36 and Resolution 2014-20; and

24 **WHEREAS,** the governing body desires to amend the administrative procedures to reflect
25 the amendments approved by Ordinance No. 2014 - 10, and make clerical corrections related to those

1 amendments.

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that the following provisions of the *Administrative Procedures for the City of*
4 *Santa Fe Santa Fe Homes Program* are hereby approved, as amended:

5 5.1 **Developments and Actions Subject to SFHP** – Except as provided in this
6 paragraph, SFHP applies to any applications for development, including but not
7 limited to, annexation, rezoning, subdivision plat, increase in density, development
8 plan, extension of or connection to city utilities for land outside the city limits, ~~[and]~~
9 application for building permits, which proposes two or more dwelling units or
10 buildings or portions of buildings which may be used for both non-residential and
11 residential purposes, and creation of two or more condominium units. SFHP applies
12 to the residential portion of the development.

13 5.1.1 The SFHP applies to new construction, ~~[and]~~ to the conversion of existing rental
14 units to ownership units and the conversion of commercial uses to residential uses.

15 7.10.2 The agreement shall be recorded at the County Clerk's office at the time of recording
16 the annexation plat, rezoning ordinance, final subdivision plat, final development
17 plan, as appropriate, or prior to issuance of a building permit if the previous
18 documents are not required, in which case a copy of the agreement shall be included
19 with the submittal for a building permit. In projects of 2 – 10 units, for which a
20 fractional fee payment is owed, the agreement is only recorded upon failure of
21 Developer to pay the fee within a specified time frame.

22 8.8.1.1 For 2 to 10 housing units - a unit is not provided but the SFHP Developer
23 pays a fractional fee. To calculate this fee, the number of homes is multiplied
24 by 20% and the resulting number is the number of fractional unit(s) required.
25 The resulting number is multiplied by the "base fractional fee" which is half

1 the value of the Affordable Home Price of a 3 Bedroom Unit in Income
2 Range 2. [~~If the SFHP developer obtains a residential building permit for a~~
3 ~~SFHP development before June 8, 2014]~~ Currently, the fee is reduced by
4 70%, which may be adjusted in response to market conditions. Appendix A
5 provides the Fractional Fee Schedule and methodology for calculating the
6 fee.

7 **8.12.2** For each development with SFHP homes or SFHP manufactured home lots for sale,
8 including annexations subject to SFHP, the Office of Affordable Housing shall
9 designate a qualified organization(s) to provide income certifications and
10 maintenance of waiting lists. [~~The Office of Affordable Housing shall establish a fair~~
11 ~~and competitive process for selecting the organization or organizations providing~~
12 ~~these services, which process shall provide an opportunity for the developer to~~
13 ~~provide input as to the organization(s) selected.] The organization and the SFHP
14 developer shall enter into a written agreement that describes the scope of services
15 and, if appropriate, fee structure. The SFHP developer may not terminate such
16 agreement with the organization without the consent of the Office of Affordable
17 Housing. Notwithstanding those requirements, and in order to assure access to SFHP
18 homes and manufactured home lots by all potentially qualified SFHP buyers, any
19 other service provider operating a homebuyer training, counseling and certification
20 program approved by the Office of Affordable Housing may refer its clients to the
21 selected organization for possible purchase of the SFHP homes or manufactured
22 home lots. A SFHP developer may enter into agreements with outside entities to
23 provide marketing or other services, which agreement shall not require approval from
24 the Office of Affordable Housing.~~

25 **9.16** **Term of Compliance** - Rental housing developments subject to SFHP (or portions

thereof completed and occupied at different times) shall maintain required occupancy and rental rates in SFHP units for a period of ~~[15]~~10 years after the date of issuance of a certificate of occupancy for the entire development or portions thereof. This requirement shall be made applicable to successors in title, if any, by means of a deed restriction.

11.1.3 For the purposes of determining whether the purposes of this chapter would be better served under the proposed alternative, the city shall consider ~~[all of]~~ the following:

- a. whether implementation of an alternative would overly concentrate SFHP units within any specific area and if so, the City must reject the alternative unless the undesirable concentration of the SFHP units is offset by other identified benefits that result from implementation of the alternative in issue; and
- b. the extent to which other factors affect the feasibility of prompt construction of the SFHP units on the property, such as costs and delays, the need for appraisal, site design, zoning, infrastructure, clear title, grading and environmental review; and
- c. the potential of leveraging funds for other needed affordable housing programs described in the city's housing plans.

BE IT FURTHER RESOLVED that the following new definition is included in Section 6 of the *Administrative Procedures for the City of Santa Fe Santa Fe Homes Program*:

Condominium Unit a physical portion of a housing or commercial structure(s) as designated for separate ownership and occupancy by a condominium declaration filed in the County record.

BE IT FURTHER RESOLVED that Appendix E of the *Administrative Procedures for the City of Santa Fe Santa Fe Homes Program* is repealed, and new Appendix E is approved, as follows:

1 **APPENDIX E**

2 **SFHP Buyer Questionnaire**

3 **(to be completed upon resale of a lien-controlled affordable home.)**

4 In order to ensure that Santa Fe's housing affordability programs best serve the needs in our
5 community, please answer the following:

6 **1) On a scale of 1 – 10, how helpful was the City of Santa Fe's affordable housing program**
7 **in terms of enabling you to afford a home in Santa Fe? (Circle one.)**

8 (least helpful) 1 2 3 4 5 6 7 (most helpful)

9 **2) Which factors were most important in your ability to afford a home?**

10 **(Circle all that apply.)**

- 11 a. Downpayment assistance
- 12 b. Financial Counseling provided by a nonprofit housing counselor
- 13 c. Access to an affordable mortgage
- 14 d. Availability of newly built, energy efficient homes with subsidized sales prices

15 **3) Why are you selling your home?**

- 16 a. Moving from Santa Fe to another community
- 17 b. Buying another home within Santa Fe
- 18 c. Resolving financial difficulties (can't afford the payment, need to liquidate assets to
19 meet other needs of the household).

20 **If you circled "b", please answer the following:**

- 21 i. Are you buying a new home to meet an emerging need of your household (birth
22 of a child, children leaving home, etc.)
23 Yes _____ No _____
- 24 ii. Are you able to afford your new without any assistance as a result of the equity
25 you realized in the home you are selling?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Yes _____ No _____

4) Tell us about your household

- a. Number of people in your household: _____
- b. Income at time of sale: \$ _____

PASSED, APPROVED and ADOPTED this ____ day of _____, 2014.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY